The CASE truly Stated,

OF

JOHN REA, Esq;

UPON

An APPEAL of Sir *Thomas Skipwith*, Barronet, against *Thomas Sturmy*, Esq; the Respondent:

Which by Petition is humbly offered to the Just and Wise Consideration of the Lords Spiritual and Temporal in Parliament assembled.

Humbly sets forth before your great Lordships,

THat Dame *Elizabeth Skipwith* was your poor Petitioner's Sister, being formerly the Widow and Relict of *Edward Maddison*, Esq; and she having no Children, was afterwards married unto Sir *Thomas Skipwith* about 32 Years ago, and her Estate was reasonably then valued to be worth about 14000 *l.* whereof about 7000 *l.* was then in one Mr. *Gilbert Whitehall*'s Hands, a Goldsmith; which the said *Whitehall* lent unto King *Charles* II. But a Stop being put to the Payments out of the *Exchequer*, King *Charles* II. by his Letters-Patents, did graciously assign to the Bankers and to their *Heirs* and *Assigns* an annual Revenue out of the *Excise*, with a Power for the Bankers to reassign their Interest unto their respective Creditors, and to their *Heirs* and *Assigns*.

And accordingly the said *Gilbert Whitehall*, by Deed, assigned over an annual Revenue of 400 *l. per Annum* unto the said Sir *Thomas Skipwith*, and to his *Heirs* and *Assigns*, which the said Sir *Thomas Skipwith* received the Profits for about eight Years.

But upon this said Assignment of *Whitehall*'s, to the said Sir *Thomas Skipwith*, Dame *Elizabeth* his Wife, was very uneasie that this Estate of hers should be so setled from her and her Relations: Whereupon the said Sir *Thomas Skipwith* did some little time after that agree to Execute an Assignment, and he did Execute an Assignment or Conveyance of the said Annuity unto *Walter Rea*, Esq; (Brother to the said Dame *Elizabeth*) and to his *Heirs*, That *he the said Sir* Thomas Skipwith *and his* Heirs, *should and would stand and be seized of the said Rent or Annuity of* 400 l. per Ann' *payable out of the hereditary Revenue of Excise, to the Use of him the said Sir* Thomas Skipwith, *and Dame* Elizabeth *his Wife, for and during the Term of their Natural Lives, and the Life of the longer liver of them; and, after their decease to the Use of the* Right Heirs *of the Survivor of them.*

In the 12th Year of the late gracious King *William* III. an Act of Parliament passed for the Payment of the said Annuity in these Words, *To the Owners and Proprietors of such annual Sums, and to their* Heirs *and* Assigns. Another Act was made in the 2d and 3d Year of our present gracious Queen *Anne*, in the same Words, *To the Owners and Propietors of such annual Sums, and to their* Heirs *and* Assigns.

But in all these many and several recited Settlements, from K. *Charles* II. to this last Act of Parliament of our present Q. *Anne*, there is no Settlement made that this Estate should go to an Executor, but only to an *Heir* or *Assignee*, until about the latter part of the said Act it limits how far it shall descend and go for the future to the *Heir*: Viz.

The Person that shall be intituled to the said Annuity to be Comprised in such Order and Orders to be signed as aforesaid; After *the Signing of such Orders, he shall be possessed thereof as of a personal Estate, and shall not be discendable to the* Heir.

But before the Orders are signed the said Act gives it to the *Heir*.

Another Clause in the said Act saith, after the signing of the said Orders to him or her, That *if he or she do not by Deed or Will assign the said Annuity before his or her Death, that it shall go to an Executor or Administrator.*

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Therefore your poor Petitioner further ſets forth, That this Annuity was aſſigned by Deed, by and with the mutual Conſent, Will and Agreement of the ſaid Sir *Thomas Skipwith* and of Dame *Elizabeth* his Wife, about 30 Years ago; which ſaid Deed was never alter'd or cancell'd by the ſaid Sir *Thomas Skipwith* or Dame *Elizabeth* his Wife, altho' they both made their ſeparate Wills, yet neither of them gave this Annuity by Will or Deed away, contrary to the Intent of the ſaid Deed, but it was left Legally by them to go to the *Heir of the Survivor*.

Now your poor Petitioner, *who is Brother* and *right Heir at Law* to his *Siſter*, Dame *Elizabeth Skipwith*, who was the Survivor and alſo Brother and Heir at Law to the ſaid *Walter Rea*, who had the Truſt in him: Therefore your poor Petitioner humbly hopes, That there can be no reaſon in any Law to let this Eſtate go from the *right Heir*, to whom by Deed it is fully ſetled and given, to a Nominal Executor, to whom it is neither by Deed or Will given, and which Executor is nothing of her Blood or Kindred, only a Nominal Son-in-law by Marriage to her Daughter-in-law.

That the ſaid Dame *Elizabeth Skipwith* made her Will about 8 Years ago, and nominated one *Thomas Sturmy*, Eſq; her Executor, by which means the ſaid Executor got this ſaid Deed, with all other Specialties, and all other Writings that concerns your Petitioner into his Cuſtody, and all her Eſtate in Plate, Goods and Jewels, *&c.* and, contrary to all good Conſcience, denies to let your poor Petitioner have the Sight or a Copy of the ſaid Deed and other Writings, whereby your Petitioner may adviſe with Councel how to recover this his Right to the ſaid Eſtate.

And alſo Sir *Thomas Skipwith*, the Son and Heir of the aforeſaid Sir *Thomas Skipwith* the Father, pretends, that this ſaid Deed of his Father's is not a good Deed in Law: Then, at other times, he pretends, that he hath bought your poor Petitioner's Right to the ſaid Annuity, when in truth your Petitioner, by the aforeſaid Act of Parliament, hath no Power to ſell any Right, until he is inveſted in the ſame, according to the ſaid Act; neither did your Petitioner then know of any Deed that was made to give him a Right to the ſame; and what Writing the ſaid Sir *Thomas* and his Agent pretends to have got, is of no Validity, but got by illegal and circumventing Practices, when your Petitioner was altogether ignorant of their evil Deſign, and contrary to all good Conſcience.

And that the ſaid Sir *Thomas Skipwith*, and the ſaid Executor, hath kept all things hid from your poor Petitioner this 8 Years, ever ſince his ſaid Siſters Death, on purpoſe to circumvent and defeat your poor Petitioner of his Birth-right, they knowing your poor Petitioner hath ſuſtained great Loſſes, and is now in his old Age and in a low Condition.

In tender Conſideration of what is here in part humbly ſet forth to your great Lordſhips,

Your poor Petitioner therefore humbly prays your Lordſhips, That nothing may be done at preſent to the Detriment of the Heir at Law, *your poor Petitioner, until he hath brought his Bill herein againſt the illegal Practices of the ſaid* Sir Thomas Skipwith, *and the ſaid Executor* Thomas Sturmy, *and other Confederates; and that the Payment of the ſaid Annuity may be ſtopt, until your poor Petitioner by his Councel hath been legally heard in a Court of Equity. All which your poor Petitioner humbly ſubmits, as it ſhall ſeem meet to your Lordſhips great Wiſdom.*

And your Petitioner ſhall ever pray, *&c.*

The Caſe truly ſtated,

O F

John Rea, Eſq; upon an Appeal of Sir *Thomas Skipwith*, Bar^t. againſt *Thomas Sturmy*, Eſq; Reſpondent.